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### LOK SABHA

The following Bills were introduced in the Lok Sabha on 21st May, 1954:—

#### BILL No. 27 OF 1954

*A Bill to abrogate the evacuee property law in respect of persons who have done or do any act on or after the 7th day of May, 1954 which if done before that date would have rendered them subject to that law and to amend the Administration of Evacuee Property Act, 1950 for that purpose and certain other purposes.*

Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the Administration of Evacuee Property (Amendment) Act, 1954.

**2. Amendment of section 4, Act XXXI of 1950.**—Section 4 of the Administration of Evacuee Property Act, 1950 (hereinafter referred to as the principal Act) shall be renumbered as sub-section (1) thereof, and after the sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) For the removal of doubts, it is hereby declared that nothing in any other law controlling the rents of, or evictions from, any property shall apply, or be deemed ever to have applied, to evacuee property.”

**3. Insertion of new section 7A in Act XXXI of 1950.**—After section 7 of the principal Act, the following section shall be inserted, namely:—

“7A. Property not to be declared evacuee property on or after 7th May, 1954.—Notwithstanding anything contained in this

Act, no property shall be declared to be evacuee property on or after the 7th day of May, 1954:

Provided that nothing contained in this section shall apply to—

(a) any property in respect of which proceedings are pending on the 7th day of May, 1954 for declaring such property to be evacuee property; and

(b) the property of any person who has done any of the acts specified in sub-clauses (i), (iii), (iv) and (v) of clause (d) of section 2 before the 7th day of May, 1954.”

**4. Amendment of section 12, Act XXXI of 1950.**—In section 12 of the principal Act, in sub-section (1),—

(a) in clause (b) of the proviso, the word ‘or’ shall be added at the end and after that clause, the following clause shall be inserted, namely:—

“(c) has failed to pay rent in accordance with the terms of the lease.”;

(b) after the proviso as so amended, the following *Explanation* shall be inserted and shall be deemed always to have been inserted, namely:—

“*Explanation.*—In this sub-section, ‘lease’ includes a lease granted by the Custodian and ‘agreement’ includes an agreement entered into by the Custodian.”

**5. Amendment of section 16, Act XXXI of 1950.**—In section 16 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) No application made under sub-section (1) shall be entertained unless—

(a) before making the application, the applicant has filed all appeals and revision applications permissible under this Act against the order declaring the property of the evacuee to be evacuee property and the Custodian General has made a final order in the case; and

(b) the application is made within sixty days of the final order of the Custodian General:

Provided that any such application by an evacuee who migrated to West Pakistan from the State of Uttar Pradesh during the period between the 1st day of February, 1950 and the 31st day of May, 1950 and who is permitted to return to India for permanent re-settlement may be entertained if it is made within sixty days of the return of the evacuee to India:

Provided further that nothing contained in this sub-section shall apply to an application under sub-section (1)

which is pending on the commencement of the Administration of Evacuee Property (Amendment) Act, 1954.

*Explanation.*—In this sub-section, the expression 'Custodian General' shall include a Deputy Custodian General and an Assistant Custodian General.

(b) to sub-section (3), the following *Explanation* shall be added at the end, namely:—

*"Explanation.*—For the purpose of the proviso to this sub-section, an allotment shall be deemed to be a lease and shall have effect against the person to whom restoration is made to the same extent and in the same manner as if it were a lease."

**6. Amendment of section 27, Act XXXI of 1950.**—In section 27 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The Custodian General, a Deputy Custodian General or an Assistant Custodian General may after giving notice to the parties concerned review his own order."

**7. Amendment of section 40, Act XXXI of 1950.**—In section 40 of the principal Act, in sub-section (1), after the words and figures '14th day of August, 1947', the words and figures 'but before the 7th day of May, 1954' shall be inserted.

**8. Amendment of section 43, Act XXXI of 1950.**—Section 43 of the principal Act shall be renumbered as sub-section (2) of that section and before the sub-section as so renumbered, the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

"(1) Where during the pendency of any proceeding under this Act any party to the proceeding dies, the proceeding shall not abate by reason of the death and any order made in any such proceeding shall have the same force and effect as if it had been made before the death took place."

**9. Amendment of section 48, Act XXXI of 1950.**—Section 48 of the principal Act shall be renumbered as sub-section (1) thereof and, after the sub-section as so renumbered, the following sub-section shall be inserted, namely:—

"(2) For the purpose of sub-section (1), the decision of the Custodian as to the sum due to the State Government or to the Custodian shall be final."

**10. Retrospective operation of certain amendments.**—The amendments made in the principal Act by section 3 and section 7 of this Act shall be deemed to have come into force on the 7th day of May, 1954.

### STATEMENT OF OBJECTS AND REASONS

The Evacuee Property Law was enacted to meet an extraordinary situation. With Government's decision to acquire the right, title and interest of evacuee owners in their properties in India and utilise

such properties for payment of part compensation to displaced persons, the *raison d'etre* for continuance of the evacuee property law in its present form has lost much of its force. Government have accordingly decided that the evacuee property law should cease to operate except in cases where the cause of action arose before 7th May, 1954. That is to say, clauses (d) (i), (d) (ii), (d) (iii), (d) (iv) and (d) (v) of section 2 of the Administration of Evacuee Property Act, 1950 will be rendered inoperative for the future.

2. As a corollary to the decision referred to above, section 40 of the Act has also been made inoperative in so far as it relates to transfers of property made on or after the 7th May, 1954.

3. Opportunity has also been taken to make certain clarificatory amendments which are considered necessary in the light of the experience of the working of the Act.

AJIT PRASAD JAIN.

NEW DELHI;

The 19th May, 1954.

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BILL \* No. 28 OF 1954

*A Bill further to amend the Territorial Army Act, 1948.*

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Territorial Army (Amendment) Act, 1954.

2. **Amendment of section 2, Act LVI of 1948.**—In section 2 of the Territorial Army Act, 1948 (hereinafter referred to as the principal Act), after clause (d), the following clause shall be inserted, namely:—

“(dd) “public utility service” means any undertaking which supplies power, light, gas or water to the public, or carries on a public transport, or maintains any system of public conservancy or sanitation and which is declared, by notification in the Official Gazette, by the Central Government to be a public utility service to which this Act applies:

Provided that no such notification shall be issued unless the Central Government is satisfied that, having regard to the needs of the Territorial Army, the persons employed in any such public utility service should, in the public interest, be made compulsorily liable for service in that Army under this Act.’

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\*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to the Lok Sabha the consideration of the Bill.

3. Insertion of new section 6A in Act LVI of 1948.—After section 6 of the principal Act, the following section shall be inserted, namely:—

*“6A. Liability of certain persons for compulsory service in the Territorial Army.—(1) Without prejudice to the provision contained in section 6, every person employed under the Government or in a public utility service who has attained the age of twenty years but has not completed the age of forty years shall, subject to the other provisions contained in this section and subject to such rules as may be made in this behalf, be liable, when so required to do, to perform service in the Territorial Army.*

*(2) Where it appears to the prescribed authority that, having regard to the strength of the Territorial Army or of any unit thereof in any area or place or, having regard to the exigencies of service in the Territorial Army, it is necessary that persons compulsorily liable to perform service in the Territorial Army under sub-section (1) should be called upon for such service, the prescribed authority may call upon such number of persons as he thinks fit for the purpose of performing service in the Territorial Army.*

*(3) In requisitioning the services of any persons under sub-section (2), the prescribed authority shall have regard to the age, physical fitness, qualifications and experience of the persons to be called upon for service and the nature of the work previously performed by them while employed under the Government or in the public utility service, and the work to be performed by them in the Territorial Army.*

*(4) For the purpose of enabling it to exercise any of the powers conferred by sub-section (3), the prescribed authority may require any such persons to fill up such forms as may be prescribed and sign and lodge them with the prescribed authority within such time as may be allowed in this behalf.*

*(5) Any person whose services are requisitioned under this section may be required to join the Territorial Army as an officer or as an enrolled person according to the rules made in this behalf by the Central Government, and where any person has so joined the Territorial Army, he shall be entitled to the same rights and privileges and be subject to the same liabilities as an officer or enrolled person under the provisions of this Act.*

*Explanation.—For the purposes of this section, the expression “person employed under the Government or in a public utility service” shall not include—*

- (a) a woman;*
- (b) a member of the regular Army, the Navy or the Air Force or a member of any Reserve Force;*
- (c) a person who is not a citizen of India;*
- (d) a person employed under the Government in any country or place outside India for so long as he is so employed; and*

(e) any other persons as may be exempted from the operation of this Act by the Central Government, by notification in the Official Gazette, on the ground that, having regard to the nature of the service performed by such persons or to the exigencies of the service in which they are employed, it is, in the opinion of the Central Government, expedient in the public interest that they should not be liable to perform service under this Act."

**4. Insertion of new section 10A in Act LVI of 1948.**—After section 10 of the principal Act, the following section shall be inserted, namely:—

*"10A. Punishment for failure to lodge forms duly filled up etc.—*

If any person fails without sufficient cause

(a) to fill up the prescribed forms and lodge them with the prescribed authority as required by sub-section (4) of section 6A, or

(b) to report himself for service when so required to do by the prescribed authority under sub-section (2) of that section, or

(c) to submit himself to medical or other examination when so called upon to do by the prescribed authority under rules made under this Act,

he shall be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both."

**5. Amendment of section 14, Act LVI of 1948.**—In sub-section (2) of section 14 of the principal Act, clause (a) shall be relettered as clause (aaa), and before that clause as so relettered, the following clauses shall be inserted, namely:—

"(a) prescribe the form under sub-section (4) of section 6A, the particulars that should be furnished therein and the authority with which, and the period within which, the form should be lodged;

(aa) prescribe the procedure for requiring persons liable for compulsory service in the Territorial Army to be medically or otherwise examined with a view to determining whether they satisfy the conditions imposed under this Act;"

#### STATEMENT OF OBJECTS AND REASONS

Recruitment to the urban units of the Territorial Army has not so far been satisfactory, especially in the technical units. The Bill seeks to impose compulsory liability for enrolment in the Territorial Army for certain categories of employees, namely, Government servants and employees of specified public utility concerns in selected age groups. It is proposed to utilize this liability to fill up deficiencies in the authorised strength of the Territorial Army units. The Bill, if enacted, will also facilitate expansion of the Territorial

Army in an emergency. Public utility concerns have been included in the compulsory enrolment scheme in order to ensure that essential services continue to function in an emergency.

The Bill seeks to provide the necessary legal basis for calling for particulars regarding age, calling up for inquiry and medical examination, of persons liable to be enrolled under the scheme, the registration and calling up of the persons considered fit for service in the Territorial Army and other allied matters.

MAHAVIR TYAGI.

NEW DELHI;

*The 13th May, 1954.*

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### FINANCIAL MEMORANDUM

The scheme for the liability to compulsory enrolment of Government servants and certain categories of employees of public utility concerns involves expenditure from the Consolidated Fund of India. The scheme is at present intended to enable Government to fill up deficiencies in the authorised strengths of certain Territorial Army Units. The expenditure on the pay and allowances of the enrolled personnel and requirement of training officers etc. will be the same as for the normal authorised strength of Territorial Army Units. A small amount of expenditure may have to be incurred on the registration of personnel covered by the scheme for compulsory enrolment and on the administrative arrangements for their call up, where necessary.

An extract from the explanatory notes to the Defence Services Estimates for the year 1954-55 is given below.

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### EXPLANATORY NOTES

The Territorial Army was constituted under the Territorial Army Act, 1948 and commenced raising in 1949. When fully formed, it will be composed of combatant technical and administrative units. The personnel of the Territorial Army are given periodical military training. During the training period and when embodied for service, they are entitled to pay, allowances, etc., at the same rates as for corresponding ranks of the regular Indian Forces.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill which seeks to amend the Territorial Army Act, 1948, imposes a liability on all persons employed under the Government or in a public utility service, who have attained the age of twenty years but have not completed the age of forty years for compulsory military service. Having imposed a potential liability for compulsory military service on all such persons, the Bill leaves most of the matters relating to administrative details for giving effect to the

scheme, from the stage of requisitioning the services of such persons to the stage of their being actually called out for service in the Territorial Army, to be prescribed by subordinate legislation by the Central Government. For the successful implementation of the scheme, the powers to determine the circumstances under which the services of such persons should be requisitioned for the purpose of performing service in the Territorial Army, and the authorities by which the services of such persons should be requisitioned, to prescribe the standards of physical fitness and other qualifications of such persons, to prescribe forms for obtaining particulars from such persons, to lay down the procedure to be followed in holding medical and other examinations etc., have been delegated to the Central Government to be prescribed by means of subordinate legislation, as it is not practicable for Parliament to lay down such details in the Bill. Some of the powers delegated to the Central Government such as the power to determine the circumstances under which the services of persons liable for compulsory military service in the Territorial Army should be requisitioned, etc., which may not appear *prima facie* to be normal in character are really so if one has regard to the fact that in enactments relating to the Army, the Navy and the Air Force, it is not possible for Parliament to lay down matters relating to such administrative details in the law itself. The proposed delegations are, therefore, normal.

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M. N. KAUL,  
Secretary.